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APPLICATION NO.	Fil	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/849,779 05/21/20		5/21/2004	Tzu-I Chen	2450-0705PUS1	9017	
2292	7590	10/05/2005		EXAMINER		
		KOLASCH & BIR	THOMPSON, HUGH B			
	PO BOX 747 FALLS CHURCH, VA 22040-0747				PAPER NUMBER	
	•			3634		

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)
	10/849,779	CHEN, TZU-I
Office Action Summary	Examiner	Art Unit
	Hugh B. Thompson II	3634
The MAILING DATE of this communication app	pears on the cover sheet with th	e correspondence address
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATE 136(a). In no event, however, may a reply be will apply and will expire SIX (6) MONTHS fre, cause the application to become ABANDO	ON. timely filed om the mailing date of this communication. NED (35 U.S.C. § 133).
Status		
Responsive to communication(s) filed on 21 № 2a) This action is FINAL. 2b) This 3) Since this application is in condition for alloward closed in accordance with the practice under the second s	s action is non-final. ince except for formal matters, p	
Disposition of Claims		
4) Claim(s) 1-4 is/are pending in the application. 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) 1-4 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/o	•	
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected to by the drawing(s) be held in abeyance. Setion is required if the drawing(s) is	See 37 CFR 1.85(a). objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documen 2. Certified copies of the priority documen 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	ts have been received. ts have been received in Applic prity documents have been rece au (PCT Rule 17.2(a)).	ation No ived in this National Stage
Attachment(s)		
Attachment(s) 1) Notice of References Cited (PTO-892)	4) Interview Summ	ary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	Paper No(s)/Mai	

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 1 and 4, the phrase "entrance/exit" is improper and should be removed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Pohlman #3,908,801. Pohlman discloses an elevator assembly comprised of hanging racks 64, pulleys 62, ropes/cables 60, retaining rollers 52, 54, escape case 10, bottom edge 40, 44, and pivoting brake assembly 96, having a brake line 100 attached to a levers 102.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pohlman as advanced above. Pohlman fails to disclose cylindrical tracks. The cross section of the track is an obvious design choice not expected to produce any new and unexpected results. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the assembly of Pohlman with cylindrical tracks as a matter of design choice, not expected to produce any new and unexpected results.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hershtik #5,927,432, Edwards #6,640,934, Kucher et al #4,640,384, Crump #4,469,198, Littlejohn et al #4,406,351, Reed #4,386,680, Meyer #3,517,774, Buschbom et al #3,887,038, Evans et al #6,676,233, and Goto et al #5,564,528, are cited to teach building mounted lift assemblies.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hugh B. Thompson II
Primary Examiner
Art Unit 3634

October 2, 2005